

MINUTES OF THE UNITED STATES DISTRICT COURT JUN 16 2006
FOR THE NORTHERN MARIANA ISLANDS For The Northern Mariana Islands
By _____
*****(Deputy Clerk)

CV-05-0026

June 16, 2006
9:10 a.m.

TOSHIHIRO TAKAHASHI -vs- MAEDA PACIFIC CORPORATION

PRESENT: Hon. Alex R. Munson, Chief Judge Presiding
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Court Deputy
Victorino Torres, Attorney for Plaintiff
James Livingstone, Attorney for Plaintiff
John Osborn, Attorney for Defendants
Steve Carrara, Attorney for Defendants
Toshihiro Takahashi, Plaintiff

PROCEEDINGS: JURY TRIAL - Day Five

Plaintiff was present and represented by Attorneys James Livingstone and Victorino Torres. Defense was represented by Attorneys John Osborn and Steve Carrara. Eight jurors were present.

Witness **DR. BROWN** returned to the witness stand. Attorney Livingstone continued with the **DX** of Dr. Brown. Attorney Livingstone moved to admit **Ex. 68** into evidence; no objection, Court so ordered. Attorney Osborn began **CX** of Dr. Elizabeth Brown at 10:00 a.m. Attorney Livingstone began **RDX** at 10:15 a.m. Attorney Osborn conducted **RCX** at 10:25 a.m. Witness was excused at 10:26 a.m.

Court excused the jurors for morning break at 10:26 a.m. and they left the Courtroom.

Court discussed with parties the progress of the trial and potential witnesses.

Court recessed at 10:30 a.m. and reconvened at 10:50 a.m.

Attorney Torres moved to listen to a portion of an audio of Thomas Nielson's interrogatories. No objection, Court so ordered. A small portion of the audio was played for the jury.

Attorney Torres moved to admit **Ex. 67** into evidence; no objection, Court so

ordered.

Plaintiff rested their case at 11:00 a.m.

Court excused the jurors at 11:00 a.m. for a recess and they left the presence of the Courtroom.

Attorney Osborn moved for a directed verdict. Attorney Torres argued. Court DENIED the motion.

Jurors were brought into the Courtroom at 11:10 a.m.

Defense called witness:

MURAYAMA NOBUHIRO. DX by Attorney Osborn. No CX. Witness was excused at 11:12 a.m.

Defense called witness:

SHINJI YOKOTA. DX by Attorney Osborn. Attorney Osborn moved to admit **Ex. Y** into evidence; objection by Plaintiff. Court received Ex. Y over objection. Attorney Osborn moved to admit **Ex. P-1** into evidence; objection by Plaintiff. Court received Ex. P-1 over objection. No CX. Witness was excused at 11:45 a.m.

Court excused the jurors at 11:45 a.m. for their lunch break and ordered that they return at 1:30 p.m. to continue the trial.

Discussion was had regarding progress of trial.

Court recessed at 11:50 a.m. and reconvened at 1:40 p.m.

Attorney Osborn moved to admit **Ex. W** (# 17 one question and one answer) which had previously been discussed during trial; over objection, Court so received. Attorney Osborn further moved to admit **Exhibits U-1, 2, 3, 4, 5, 6, 7 and 8**; no objection, Court so ordered.

Defense called witness:

KEITH ADA. DX. Attorney Osborn moved to admit EX. Z into evidence; no objection, Court so ordered. CX by Attorney Torres. RDX.

Defense called witness:

ALEX CADAG. DX by Attorney Osborn. CX. RDX. RCX. Witness was excused at 2:05 p.m.

Defense called witness:

TOM NIELSON. DX by Attorney Osborn. CX by Attorney Torres. RDX. Witness was excused at 2:48 p.m.

Jurors were excused from the Courtroom at 2:50 p.m.

Outside the presence of the jurors there was discussion regarding the reading of the interrogatories of Dr. Al Alou.

Court recessed at 2:50 p.m. and reconvened at 3:10 p.m.

Attorney Osborn explained to the jurors that he and Attorney Steve Carrara would be reading to them from the interrogatories taken of **Dr. Al Alou**. At 3:15 p.m. they began reading the interrogatories with Attorney Steve Carrara reading the answers of Dr. Al Alou. Attorney Osborn moved to admit **Ex. 1, 2, and 3 of the Deposition of Dr. Al Alou**. Plaintiff, through Attorney Torres objected; Court received the Exhibit and it was marked as **"A A"**.

Defense rested their case at 3:48 p.m.

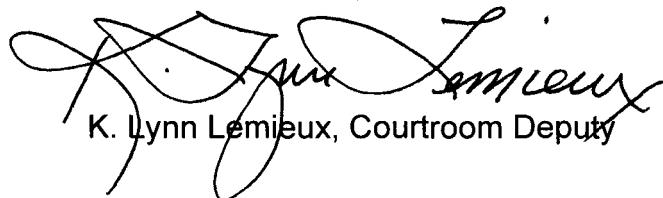
Jurors were excused for the evening at **3:50 p.m.** and ordered to return on Monday at 9:00.

Out of the presence of the jury, there was discussion regarding admitted exhibits.

Attorney Osborn again moved for a directed verdict. Court DENIED the motion.

Attorney Osborn moved that the jury not be allowed to decide on the issue of a dollar amount for future medical expenses. Attorney Torres argued. Court GRANTED the motion.

Adjourned at 4:10 p.m.



K. Lynn Lemieux, Courtroom Deputy